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Attorney for Defendant  
LAWRENCE EMIT MACKEN

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. 2:20-cr-00023-KJM
	)	
Plaintiff,	)	<b>REQUEST TO EXCEED PAGE LIMITS</b>
	)	<b>AND ORDER</b>
vs.	)	
	)	
LAWRENCE EMIT MACKEN	)	Date: May 17, 2021
	)	Time: 9:00 A.M.
	)	Court: Honorable Kimberly J. Mueller
Defendant.	)	
_____	)	

The defense respectfully files this request to exceed the page limit of 20 pages, as prescribed by this Court's criminal standing order, in regards to Mr. Macken's motion to dismiss the indictment based on a Speedy Trial violation. The motion is just over 24 pages long.

The defense believes that allowing the extra 4 pages will materially assist the Court in ruling on this motion in light of the extensive number of legal issues raised. Further, to preserve Mr. Macken's rights to appeal on the issue of a speedy trial violation, the defense must identify each basis for the asserted violation. *See, e.g., United States v. Ray*, 899 F.3d 852, 861 (10th Cir. 2018), *cert. denied*, 139 S. Ct. 1206 (2019) ("a defendant's pretrial motion to dismiss under the STA must include the specific STA objection that he or she raises on appeal; otherwise that objection is waived"; defendant's claim that district court mistook his statements as a motion for discovery was waived when not raised in motion to dismiss). The procedural history and statement of the facts in the record relevant to the legal analysis constitute close to seven pages

1 of the motion. The legal argument presents several independent grounds for a violation of the  
2 statutory speedy trial right (11 pages) as well as the argument related to a constitutional speedy  
3 trial violation (six pages).

4 In light of the many issues raised, and the extensive procedural record the motion relies  
5 on, the defense requests that this Court allow the additional four pages of briefing so that the  
6 motion can be fully and clearly presented to the Court and so that Mr. Macken's appellate rights  
7 may be preserved.

8  
9 Dated: April 5, 2021

HEATHER E. WILLIAMS  
Federal Defender

11 /s/ Hannah Labaree  
HANNAH LABAREE  
12 Assistant Federal Defender  
Attorney for Defendant  
13 LAWRENCE EMIT MACKEN  
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**ORDER**

IT IS HEREBY ORDERED that the defendant's request to exceed the page limit (ECF No. 114) as to his Motion to Dismiss is GRANTED.

DATED: April 26, 2021.

  

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CHIEF UNITED STATES DISTRICT JUDGE